

**NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND  
DOMESTIC RELATIONS COURTS AND JUVENILE COURTS**

**TITLE IV**

**Third Judicial District Court  
Parishes of Lincoln and Union**

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**Chapter 24 SCHEDULING HEARINGS AND TRIALS; ORDER OF BUSINESS**

**Rule 24.0 Scheduling Hearing; Scheduling Trials**

3rd JDC

Rule 5

Rule 5A effective in  
Union Parish

February 1, 1985;  
amended effective  
April 1, 1997.

**RULE 5. CRIMINAL, TRAFFIC, NON-SUPPORT AND JUVENILE DAYS**

A. In UNION PARISH unless otherwise specially ordered by the court, the following schedule will be used each month:

Traffic arraignments and  
trials, Title 32 Offenses and  
DWI

--Tuesdays following  
the 1st and 3rd  
Mondays at 9:00 a.m.

All misdemeanor arraignments  
and trials (other than  
traffic), felony arraignments  
and motions

-- Wednesdays following the  
1st and 3rd Mondays at  
9:00 a.m.

Non support cases

--Wednesday following  
the 4th Monday at 9:00 a.m.

Juvenile

--Thursday following the  
1st Monday at 1:30 p.m.

In LINCOLN PARISH unless otherwise specially ordered by the court, the following schedule will be used each month:

Misdemeanor arraignments,  
sentences, motions and  
hearings

--Tuesdays following the  
2nd and 4th Mondays  
at 9:00 a.m.

Traffic arraignments,  
sentences, Title 32 Offenses,  
motions and hearings

--Tuesdays following the  
2nd and 4th Mondays  
at 1:30 p.m.

Misdemeanor trials

--Wednesdays following the  
2nd and 4th Mondays  
at 9:00 a.m.

Traffic trials

--Wednesdays following the  
2nd and 4th Mondays  
at 1:30 p.m.

All felony cases

--Fridays following the  
2nd and 4th Mondays  
at 9:00 a.m.

Non support cases

--1st Monday at 9:00 a.m.

Juvenile cases

--Tuesday following the  
1st Monday at 9:00 a.m.

B. The court, in its discretion, may fix any type criminal hearing or trial on any court day in order to expedite a hearing in any criminal case or proceeding, or to accommodate litigants or attorneys, or for any other reason.

C. In compliance with Article 230.1 of the La. Code of Criminal Procedure, as amended, each defendant, in the discretion of the particular district judge, may be brought before the court via telephone for the appointment of counsel. When utilizing this method, the custodian of the prisoner shall make notation of the date and time of such appointment, the division of the court making the appointment, and the name of the officer or deputy of the custodian verifying the conversation, all on a form approved by the court. The original of this form shall be delivered to the District Attorney and a copy shall be delivered to the Clerk of Court for notation in the minutes of the court.

D. In accordance with Act 737 of the Louisiana Legislature, 1984 Regular Session, amending and reenacting La.Rev.Stat. 15:255(A)(1), any law enforcement officer required to be present in his official capacity as a witness in any criminal case or delinquency adjudication, during any time he is not required to report to work or perform the duties of his office, shall be paid by the governing authority of this parish \$25.00 per case to a maximum of \$50.00 per day, pursuant to La.Rev.Stat. 15:255(D)(1). It shall be immaterial whether the officer actually testifies, so long as his presence was required.

Third Judicial District Court

Rule 5

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3rd JDC  
Rule 12 (2nd  
paragraph)

No suit for separation or divorce involving a curator ad hoc contested or uncontested, may be set for trial until at least fifteen (15) days have elapsed from the date on which service of process is made upon the curator ad hoc appointed to represent an absentee defendant.

Third Judicial District Court

Rule 12 (2nd paragraph)

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3rd JDC  
Rule 12 (6th  
paragraph)

In accordance with Act 872 of the 1988 Regular Session of the Louisiana legislature, upon consent of counsel, domestic matters including divorce, separation, child custody, child support, visitation and alimony cases as well as directly related matters may be heard in closed hearing. In contested cases, the consent shall be in writing or of record in open court. In cases involving a confirmation of default, the original petition served shall contain an article noting that plaintiff will seek a closed hearing. Any such hearing shall be a matter of record. The record of testimony shall be maintained in accordance with the practice of maintaining confidential records of this court.

Third Judicial District Court

Rule 12 (6th paragraph)

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3rd JDC  
Rule 12 (2nd  
paragraph)

In each separation or divorce case where an answer is filed by the defendant in proper person, the trial may not proceed unless either the defendant is present in court, or the plaintiff shows by competent evidence that the defendant was notified in writing of the date and hour scheduled for the trial, which notice must have been given to defendant not less than ten (10) days prior to the date of the trial.

Third Judicial District Court

Rule 12 (2nd paragraph)

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**Rule**

**24.1**

**Order of Business**

**Rule 24.1**

3rd JDC  
Rule 2

**RULE 2. TIME OF SESSIONS OF COURT**

A. In UNION PARISH unless otherwise specially ordered by the court, all Civil, Criminal, Juvenile, Traffic and Non-support Court sessions shall start at 9:00 a.m. and shall recess at 5:00 p.m., with the noon recess from 12:00 noon until 1:30 p.m.

B. In LINCOLN PARISH unless otherwise specially ordered by the court, all Civil, Criminal, Juvenile and Non support Court sessions shall start at 9:00 a.m., and shall recess at 5:00 p.m., with the noon recess from 12:00 noon until 1:30 p.m.; all Traffic Court sessions shall start at 1:30 p.m. and shall recess at 5:00 p.m.

Third Judicial District Court

Rule 2

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**Chapter 25**

**ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS**

**Rule 25.4**

**Form of the Pleadings**

3rd JDC  
Rule 12 (1st &  
2nd and 4th  
paragraph)

**RULE 12. SUITS FOR SEPARATION AND DIVORCE**

In every suit for a separation from bed and board and/or divorce, the attorney for the plaintiff shall not prepare the defendant's answer, nor in any manner advise or assist in the preparation thereof. In the trial of any case, either upon confirmation of a preliminary default or upon the merits, the Minute Clerk shall record and keep the names of all witnesses who testify, and the testimony of all such witnesses shall be recorded by the official Court Reporter.

In separation and divorce suits on the merits, when issues of alimony, child support, custody and/or visitation are unresolved, the provisions of Rule 35.1, 38.3, and 38.5 shall apply.

Third Judicial District Court

Rule 12 (1st & 2nd and 4th paragraph)

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**Chapter 35**

**ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS**

**Rule 35.0**

**Use of Hearing Officers**

3rd JDC  
Rule 7B.1

B.1. Hearing Officer(s), Related Personnel and Procedures Relative to Expedited Process for the Establishment, Modification and Enforcement of Support Obligations.

a. Pursuant to LSA-R.S. 46:236.5 this Court hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing one or more Hearing Officers, appointed by majority vote of the Court, to hear support and support related matter, including contested and uncontested paternity cases, and to hire and employ any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure on the Court.

b. Such Hearing Officer shall be an attorney who has been in good standing with any state bar association for not less than five years and has experience in cases involving child support services. Such Hearing Officer(s) shall have authority to perform and shall perform any and all duties assigned to him, or her or them by a Judge designated by the Court which are consistent with LSA-R.S. 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended in the future. Said Hearing Officer(s) shall be prohibited from engaging in the practice of law in Lincoln or Union Parishes.

c. The Court shall hold a contradictory hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing of a motion by either party. Such motion shall be filed within three (3) days from the date of the hearing. If no request for a hearing before a Judge is filed, an order shall be signed by the Judge which shall be a final judgment and be appealable to the appropriate Court of Appeal. The contradictory

hearing shall be held before the judge who shall accept, reject, or modify in whole or in part the findings of the Hearing Officer. If the Judge determines that additional information is needed, he may receive evidence at the hearing or remand the proceeding to the Hearing Officer.

d. The entire Court, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired and employed to implement this procedure.

e. In all Title IV-D (Social Security Act) cases presently pending and arising in the future, each support payment, including existing arrearages and future arrearages as well as on going support payments, is hereby increased by five (5%) percent beginning September 1, 1992. On or after September 1, all such obligors or payors shall make any and all such payments for support, including the additional five (5%) percent amount. Such payments shall be made only by money order or certified check made payable to State of Louisiana, Department of Social Services, P.O. Box 3144, Monroe, Louisiana, 71210-3144.

Third Judicial District Court

Rule 7B.1

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**Rule 35.1**

**Notice and Exchange of Information**

3rd JDC  
Rule 7B

B. Alimony and Child Support. All rules and petitions involving the award, increase or decrease of alimony and/or child support shall be accompanied by a sworn affidavit executed by the party filing the pleading and shall be served upon the opposing party, setting forth the following:

- (a) Total gross monthly income.
- (b) Itemized list of total payroll deductions.
- (c) Total itemized monthly expenditures.

At least twenty-four hours prior to the time fixed for the trial of a rule, or with the answer to a petition, the defendant shall file in the record and with opposing counsel a sworn counter-affidavit attesting to the following itemized matters:

- (a) Total gross monthly income.
- (b) Itemized list of total payroll deductions.
- (c) Total itemized monthly expenditures.
- (d) An estimate of the amounts said party can pay.

A suggested illustrative but non-exclusive form for use by plaintiff and defendant appears as Appendix "A".

The citation by the Clerk of Court to a defendant respecting alimony and/or child support shall notify the party specifically of the necessity of filing this affidavit pursuant to this rule and further, that his failure timely to do so will subject him to such appropriate sanction as the court may choose to impose. A copy of this rule served with the rule or petition shall be sufficient notice. Failure to comply with this rule shall be basis for dismissal or continuance of the rule or petition, or, in the case of the defendant in rule, prohibition from presentment of argument or evidence.

Third Judicial District Court

Rule 7B

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\_\_\_\_\_  
VERSUS

DATE: \_\_\_\_\_

DIVISION: \_\_\_\_\_

THIRD JUDICIAL DISTRICT COURT  
STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_  
CIVIL DOCKET NO. \_\_\_\_\_

## EXPENSES ON A PER MONTH BASIS

- A. Total Gross Monthly Income \$ \_\_\_\_\_
- B. Itemized Payroll Deduction
1. \_\_\_\_\_ \$ \_\_\_\_\_
2. \_\_\_\_\_ \$ \_\_\_\_\_
3. \_\_\_\_\_ \$ \_\_\_\_\_
- C. Total Net Monthly Income \$ \_\_\_\_\_
- D. Monthly Expenditures
1. Housing \$ \_\_\_\_\_
2. Food & Household Supplies \$ \_\_\_\_\_
3. Clothing \$ \_\_\_\_\_
4. Transportation \$ \_\_\_\_\_
5. Medical & Dental \$ \_\_\_\_\_
6. Utilities (Electricity, Gas, Water & Telephone) \$ \_\_\_\_\_
7. Laundry & Cleaning \$ \_\_\_\_\_
8. Personal & Grooming Necessities \$ \_\_\_\_\_
9. Educational Expenses (School, lunch, books, etc.) \$ \_\_\_\_\_
10. Garnishments \$ \_\_\_\_\_
11. Fixed Obligations (Finance company, bank loan, etc.) \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
- \_\_\_\_\_ \$ \_\_\_\_\_
12. Miscellaneous Expenses (incl. Attorney's fees) \$ \_\_\_\_\_
- Total Monthly Expenditures \$ \_\_\_\_\_
- E. Estimate of amount defendant in rule can pay (to be filled in by defendant in rule ONLY) \$ \_\_\_\_\_

\_\_\_\_\_  
Plaintiff/Defendant in Rule

Sworn to and subscribed before me, Notary Public, on this \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Notary Public

Third Judicial District Court

Appendix A

**Rule 38.3**

**Submission and Implementation of Joint Custody Plans**

3rd JDC  
Rule 7C (1st  
paragraph)

C. Custody or Visitation Proceedings. In cases involving any dispute as to custody, it shall be required that all parties specifically comply with the provisions of Article 146 of the La. Civil Code, noting particularly that there shall be submitted a custody implementation plan to the court prior to the issuance of a joint custody decree. A suggested illustrative form appears as Appendix "B".

Third Judicial District Court

Rule 7C (1st paragraph)

3rd JDC  
Appendix B

**APPENDIX B. JOINT CUSTODY IMPLEMENTATION PLAN**

\_\_\_\_\_  
VERSUS

\_\_\_\_\_  
DATE: \_\_\_\_\_  
DIVISION: \_\_\_\_\_

THIRD JUDICIAL DISTRICT COURT  
STATE OF LOUISIANA  
PARISH OF \_\_\_\_\_  
CIVIL DOCKET NO. \_\_\_\_\_

**JOINT CUSTODY IMPLEMENTATION PLAN**

Plaintiff and defendant are in agreement as to the allocation of custody of the minor\* child/children between the parties, as follows:

\_\_\_\_\_ shall be designated the primary custodial parent and awarded the physical custody of the minor\* child/children, \_\_\_\_\_ as follows:

1. During the school year of each year;
- 2.\* Mother's Day/Father's Day of each year;
3. Alternate major holidays of each year;
4. Alternate birthdays of the\* child/children each year; and
5. An equal portion of the summer holiday each year; subject to the visitation and physical custody rights designated as follows:

\_\_\_\_\_.

\_\_\_\_\_ shall be awarded the physical custody of the minor\* child/children \_\_\_\_\_ as follows:

1. Alternate weekends with the child during the school year;
- 2\*. Mother's Day/Father's Day of each year;
3. Alternate major holidays of each year;
4. Alternate birthdays of the\* child/children each year;
5. An equal portion of the summer holiday each year; and

6. One week during Christmas vacation during the school year each year; subject to the visitation and physical custody rights designated as above for \_\_\_\_\_.

The minor\* child/children\* is/are to be domiciled with \_\_\_\_\_ at\* his/her residence.

The minor\* child/children shall be picked up from and returned to\* his/her/their domicile by agreement between the parties; the parties shall endeavor to apportion transportation costs fairly and equally.

Each party shall be responsible for the minor\* child's/children's shelter and food and miscellaneous expenses when\* he/she/they\* is/are in the physical custody of that party.

The purpose of this order is to insure that the minor\* child/children\* has/have frequent and continuing contact with both parents, and to encourage and to facilitate the ability of both parents to share the rights and responsibilities of the rearing of the\* child/children.

The parents shall consult frequently by telephone, or by correspondence if personal conferences are impractical, in an effort to mutually agree in regard to the general health, welfare, education, and development in order that they may mutually adopt a harmonious policy in regard to the\* child's/children's upbringing. Neither parent shall attempt or condone the attempt, directly or indirectly, by any artifice or subterfuge whatsoever, to estrange the minor\* child/children from the affections of the other party, or to injure or impair the mutual love and affection of either parent with the\* child/children.

At all times the parents shall encourage and foster in the\* child/children sincere respect and affection for both parents, and neither parent shall hamper the natural development of the\* child's/children's love and respect for the other parent.

Each party shall keep the other advised as to any serious illness or other major development, including social, physical, psychological, and emotional developments, with respect to the minor\*child/children.

Each party will provide advance notice to the other party regarding proposed and forthcoming medical care. However, in the event of a medical emergency, each party is hereby authorized to make medical decisions when the other party is not available for mutual and prior consultation. This includes the right to sign any and all forms for authorization and consent for medical, dental, and surgical treatments.

Each party shall be entitled to immediate access from the other party, or from a third party, to records and information pertaining to the minor\* child/children including, but not limited to, medical, dental, health, school and educational records.

Each party shall keep the other party currently advised of\* his/her residence and business addresses, telephone numbers, and\* his/her whereabouts on vacation with the\* child/children.

Each party shall be entitled to speak to the\* child/children by telephone at reasonable times and intervals when the\* child/children\* is/are in the physical custody or subject to the control of the other party.

Child support shall be as fixed in the Judgment rendered in these proceedings.

All weekend visitation rights begin at \_\_\_ o'clock \_\_\_\_\_ .m. on Friday and end at \_\_\_ o'clock \_\_\_\_\_ .m. on Sunday of each weekend in which rights are granted.

THUS DONE AND SIGNED this \_\_\_ day of \_\_\_\_\_, 20 \_\_\_, at \_\_\_\_\_, Louisiana, in \_\_\_\_\_ Parish.

\_\_\_\_\_  
Judge

\_\_\_\_\_  
PARENT'S SIGNATURE / PARENT'S SIGNATURE

\_\_\_\_\_  
ATTORNEY FOR PLAINTIFF / ATTORNEY FOR DEFENDANT

\* Please delete one.

Third Judicial District Court

Appendix B

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**Rule 38.5 Alternative Procedures (Mediation, Parenting Classes)**

3rd JDC

When it appears on the face of the petition, motion for an order or motion for modification of an order that custody or visitation of a child or children is contested, or, when during such proceeding it appears to the court to be in the best interest of the child or children, the parties may be required to mediate their differences in accordance with the provisions of La.Rev.Stat. 9:351, et seq. In such cases, upon request and/or notification by the court, the parties shall have a period of ten (10) days from notice to select a mediator. If the parties are unable to agree upon a mediator, both parties shall so inform the court in writing, stating the names of those persons suggested as mediators who have not been agreed upon. Upon receipt of this notification, the court shall select the mediator.

Upon the resolution of the controversies by the parties, the mediator shall prepare a written, signed and dated agreement, verified by the mediator, setting forth the settlement terms of the controversies. If an agreement is reached by the parties, through mediation or otherwise, a consent judgment shall be prepared by respective counsel for each of the parties, which shall be submitted immediately to the court. Willful failure of either party to comply with attempts at mediation shall subject that party to all costs of mediation.

Third Judicial District Court

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